COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

and the second of the

COUNCIL MEETING DATE: JANUARY 3, 1990

FROM:

THE CITY MANAGER'S OFFICE

SUBJECT:

CONDUCT A PUBLIC HEARING TO CONSIDER THE APPEAL OF JESSE VALENZUELA OF AN ORDER OF THE CHIEF BUILDING INSPECTOR TO ABATE AN UNSAFE STRUCTURE AT

321 EAST PINE STREET

INDICATED ACTION: That the City Council conduct a Public Hearing to consider the appeal of Jesse Valenzuela of an Order of the Chief Building Inspector to abate an unsafe structure at 321 East Pine Street and take the appropriate action.

BACKGROUND INFORMATION: A Notice of Public Nuisance and Order to'Abate was issued to Mr. Jesse Ruiz Valenruela, 4521 Rutherford, El Paso, TX 79924, on November 6, 1989.

Mr. Valentuela contacted the Building Division on October 27, 1989 and was issued a permit for the following: 1) Special Inspection to determine the extent of modification to the detached accessory building to allow use as additional conditioned living space in conjunction with the main living unit; 2) Installation of a new 100 amp electrical service on the main residential structure; and 3) installation of a sub-panel on the accessory building.

The special inspection, conducted on November 3, 1989 by Jim Siemers, Dean Peckham and John Flanagan, revealed that the accessory building in question had been moved onto the lot without permits or inspections, and has been used as a living unit. The building contains a living room, bedroom, bathroom and kitchen/dining area.

Mr. Valentuela declared that he was issued a permit to move the building onto the site. Investigation of the files and records concerning the address in question reveals that a permit was issued for a concrete foundation on May 12, 1987. No inspection of the foundation was made by any building inspector during the construction phase of the foundation. Mr. Flanagan was called out to inspect it, however the foundation was completed without initial required inspections. The foundation appears to have been constructed with hand mixed concrete, and no knowledge of placement time or possibility of cold joints. At the time of the inspection, there was no building on the foundation.

Moving of the building onto the foundation was done without permits or inspections in violation of Lodi Municipal Code §15304.020, Moving Permits.

JAMES B. SCHROEDER

Community Development Director

Attachments

cc: Chief Building Inspector

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor DAVIDM, HINCHMAN Mayor Pro Tempore EVELYN M. OLSON JAMES W. PINKERTON, Jr. ERED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER: (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

November 6, 1989

CERTIFIED MAIL

Mr. Jesse Ruiz Valenzuela 4521 Rutherford El Paso, TX 79924

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

RE: Special Inspection; Permit # 20189 321 E Pine \$7., Lodi, CA 95240

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 047-240-12. Said property is more commonly known as 321 East Pine Street, Lodi, CA 95240.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be in violation of Section 205 of the Building Code of the City of Lodi.

Violations

Section 205. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Mr Walenzuela November 6, 1989 page 2

INSPECTIONS AND VIOLATIONS

A special inspection conducted at the above noted address on November 2, 1989, has revealed the following:

1. A foundation permit was issued May 12, 1987 (816989). No inspections were called for or made on the foundation permit and it was expired on Jan 27, 1988.

- 2. A structure was placed on the foundation without permits or inspections.
- 3. The structure was hooked to the sewer, water, and gas serving the existing residential structure on the property. The hook-ups were made without permits or inspections.
- 4. The structure does not meet requirements of currently adopted building, plumbing, mechanical, electrical, or housing codes.

DETERMINATION

As a result of the foregoing violations, the following action is required:

- 1. The structure is to be vacated.
- 2. Inspection by the building official has determined that the building is dangerous as defined by the Uniform Code for Abatement of Dangerous Buildings and is hereby declared to be a public nuisance and shall be abated by demolition, with removal of all rubbish and debris created by the demolition.
- 3. The foundation which was installed without inspections is to be abated by demolition, with removal of all rubbish and debris created by the demolition.

A demolition permit shall be obtained from the City of Lodi prior to the commencement of any work.

Mr. Valenzuela November 6, 1989 page 3

Vacating of the property is to be done within 10 days of the date of this notice.

The demolition permit is to be obtained within **60** days **of** the date of this notice, and the demolition is to be completed within 90 days of issuance **of** the permit.

In all cases, the required vacating and demolition is subject to the inspection and final approval of the Building Division, Community Development Department, City of Lodi

ORDER TO ABATE

Pursuant to Section 401(b) of the Unsafe Building Abatement Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 501 of the Uniform Code for the Abatement of Dangerous Buildings. The appeal shall be in writing and which shall state the substance of the order appealed from, shall be submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within ten (10) days from the date of personal service or mailing of the order which is being appealed.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements of this Order, for whatever reason:

the matter will be submitted to the City Council of the City of Lodi at which time the City's Public Works Director and the Chief Building Inspector will, in accordance with provisions set forth in Section 801 of said Code for the Abatement of Dangerous Buildings, order the demolition of said structure with the cost and expense being assessed to you, the property owner.

Mr • Valenruela November 6, 1989 page 4

2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.

?

3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Please contact this office if you require further assistance (209) 333-6714.

ROGER & HOUSTON Building Official

RGH: jhs

CC:

City Attorney

Community Developemet Director

Houston

Maria Rodriquez, 11318 Hermes St., Norwalk, CA 90650

Street File Violation File

City Council

With the interest on the property 32I E Pine as owner I would like to appeal your dicision. Regarding section 50I of uniform code for the adatement of dangerous building. I would like to request a hearing or meeting with city council. And would like sixty days notice for the meeting. As for the dangerous building;

I. It carries insurance.

2. It is locked and vacant, only the front house is rented.

3. All utilities, water, electricity, gas etc is diconnected.

4. I have the permit that was issued to move the structure, also the foundation was inspected.

5. The structure was at one time a one bedroom house and had a address as $325\frac{1}{2}$ E Pine. My intensions was to use it as a residence. I am haveing difficulty getting service to that house. When the permit was issued they were a ware it was a one bedroom house and I have made a termends expense on the one bedroom house.

P.S. I need the sixty days notice because I live in Texas. With request you can examine the utilities.

Thank "ou

Jesse Valenzuela

MEMORANDUM

DATE: NOVEMBER 27, 1989

TO: COMMUNITY DEVELOPMENT DIRECTOR

FROM: CODE ENFORCEMENT OFFICER

SUBJ: NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

321 E PINE STREET

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Moving of the building onto the foundation was done without permits or inspections in violation of Lodi Municipal Code, section 15304.020; Moving permits.

JAMES H. SIEMERS

Code Enforcement Officer



CITY OF LODI

BUILDING PERMIT APPLICATION

PERHIT NO. K, 989A

NO ADDRESS 321 E P.N. ST	DESCRIPTION OF WORK
	X Contete foundation
APPLICANT'S NAME X Jesse VALUEURIA	95240 368-9912
start to	
X OWER'S MANE WHENEYELD	21P PHONE
CONTRACTOR'S NAME MAIL ADDRESS DUDINGS	ZIP Business Phone
ARCHITECT OR ENGINEER MAIL ADDRESS	ZIP Business Phone
	Arch/Eng. Lic. No.
LEGAL DESCRIPTION	ASSESSOR'S PARCEL NO. 075-12
LICENSED CONTRACTOR'S DECLARATION	
I hereby affirm that I am licensed under provisions of Chept Business and Professions Code, and my license is in full for	
License Class License Number Date	Contractor
OWNER-BUILDER DECLARATION	
I hereby affirm that I am exempt from the Contractor's Licen Professions Code):	
1, as owner of the property, or an amply as wish-	ages as their sole compensation; will do the work, and the
structure is not intended or offered for sale (Sec.	7044, B. & P. C.). ting with licensed contractors to construct the project
(Sec. 2066, R. & P. C.).	1997年 - 1997年 - 1998年 - 1997年 - 1998年 - 1997年
I am exempt under Sec, Business and	Professions Code for this reason / 12-97 Owner / Code Valenties
X Date	-12-41 amen / case Valuette
WORKERS' COMPENSATION DECLARATION	
I hereby affirm that I have a certificate of consent to self or a certified copy thereof (Sec. 3800, Lab. C.).	-insure, or a certificate of Workers' Compensation insurance,
	-insure, or a certificate of Workers' Compensation Insurance, Exp. Date
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CITY OF LODG	
CITY OF LOD	ムニ、コ、ローニー
BUILDING ADDRESS 16000	HUNCULLY, JEST
Building Permit \$ 2/.00 PERMIT 16989 A	OWNER
- Pink は Tink は Comment Tink and Time Base (Mark Date of Comment Com	· 5-/2-0/
Building Value \$ Occ	supancy Group M-/
Type of Construeto V	Ft. 400 Bldg. Zone R-40
	FL Bldg. Zone
Subtotal 5 Type of Work CONCRETE	FXXXXXX iedroops X
Plan Check Fee \$ 3.00 Sewer Connection Charges \$	- AID
Total 527-00	- May 1
Contractors: Bldg. OWNER Plumb Elect	
Contractors: blog See See Live Plumo, Liect.	Mech. C/h
I hereby apply for permission to perform the above described work which is base	t upon certain plans all of Acts are
nercuy reletted to and made a part nereof, the work is subject to all manufactures	
regulations and restrictions relating to any erection, construction, remodeling, reprapplicant will hold and save the City of Lodi harmless from any damage incidental this work.	
this work.	o any activities in connection with
Quanto Simonium	
Owner's Signature	7/0
Owner's Address Soll Owner's Phone	368-9912
Permission is hereby granted to do the above described work at the following location:	<u> </u>
Property Description	
A1/2 A7C 15	Issued byO
Assessor's No. (145-015-12	1
DITT DING DEDM	TT '
• BUILDING,PERM	11
CITY RE LODI	
(BUILDING) PARTMENT	
NOTIFY BUILDING DEPARTMENT FOR FOLLOWING INSPECTIONS	
inspector	Date
The state of the s	Date
Temp Power/B-Saw Service	
Foundation, House (Before Concrete)	
Foundation, Other (Before Concrete)	
Underfloor (Plumbing) (Mechanical) (Girders)	
Gas Line Pressure Test	
Framing (Before Sheetrock)	
Plumbing (Before Sheetrock)	
Electrical (Before Sheetrock)	
Electrical (Before Sheetrock) Insulation (Before Sheetrock)	
// / //	
Lath Sheetrock. Nailing Gas Appliance	·
Gas Appliance	· -
Final (Before Occupancy)	
Owner Building Address	
Work subject to removal if inspections are not called for	

Work subject to removal if inspections are not called for at the proper time Inspections must be requested 24 hours in advance.

This Card Must be Posted on the Job Before Work is Started



City of Modi COMMUNITY DEVELOPMENT DEPARTMENT

FENCE PERMIT

and the second of the second o	and the second of the second o
OWNER'S NAME JOSSE Valenzu ADDRESS 3:2:1 E Pina FENCE SITE ADDRESS Simi as aboresent or proposed use of property Val	:ve
6 linea de solution 3/2	in hicutarized zoning R-HD
ZONING ORDINANCE REQUIREMENTS: Section 27 Subsection (d) Yards and Open Spaces. 5.	
"hedges, fences and walls whe height of three and one-half feet yard or interior side yard to a dep to a maximum of seven feet in any ot	th of the required front ward, and
OWNER'S SIGNATURE	BY
AIPPROYED BY	DATE 3-9-87
FENCE HEIGHTS STREET	FENCES AND METER LOCATIONS
TO FRONT 20 FRONT 20 FRONT YARD YARD YARD YARD YARD GAR. GAR. GAR. GAR. GAR. GAR. GAR. GAR.	ELECTRIC METER tart. HOUSE REAR YARD
INTERIOR CORNER LOT LOT LOT LOT LOT LOT MANIMUM MEIGHT OF FENCE- 3: FEET (42 INCHES)	OPDINANCE NO. 1351 Sec. 9-37 Meter Locations '10' 'Festdertial meter installations, wher electric utilities are installed in the street, shall be located outdoors and shall be located within six feet of the front corner of the building on structure. No electric meter shall be enclosed to any fence, gate, shrub or any other type of structure or enclosure, and shall be accessible from the front of the building or structure.



COMMUNITY DEVELOPMENT DEPARTMENT

FENCE PERMIT

OWNER'S NAME Jesse Volunzuela DATE 5-15-89
ADDRESS 321 & Pine st. Zoning R-1E
FENCE SITUS ADDRESS SAME
PRESENT OR PROPOSED USE OF PROPERTY (CHECK ONE):
(X) RESIDENTIAL () INSTITUTIONAL () PROFESSIONAL OFFICE () GENERAL COMMERCIAL
ZONING ORDINANCE REQUIREMENTS: Lodi Municipal Code Section 17.57.140, General Regulations and Exceptions, Subsection 6:
"Every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for manifences, hedges and walls when grown or erected to a maximum height of three and one-half feet in any front yard or street side yard or interior side yard to a depth of the required front yard, and to a maximum of seven feet in any other required yard."
All setbacks must be measured from property lines (which are typically at some distance behind the sidewalk). Sideyard fences 3.5 feet or under are allowed to be constructed out to the back of the sidewalk. In no case may a utility meter be enclosed (Ordinance Number 1351, Section 9-37(10)).
MAXIMUM FENCE HEIGHTS FENCE AND HETER LOCATIONS
PAREZ RICHT CF VIIIV (SAINET I, RESEWALK, CLINI, GAIT HTR)
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MAXIMON NEIGHT OF FENCE- 31 FEET (NO INCHES)
I have read and understood the requirements for fences in the City of Lodi and agree to abide by the standards described above. I also understand that this Fence Permit is not a statement of compliance with private Conditions, Covenants, and Restrictions (C.C.R.'s).
OWNER'S SIGNATURE Land BY
APPROVED BY MONUMENT DATE 5/15/89

This Card Must, Be Posted on the Job Before Work is Started

Work subject to removal if inspections are not called for at the proper time

· · · · · · · · · · · · · · · · · · ·	BUILDING DEPARTMENT	·
1	City of Lodi	
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location:	lo the above described work at the following	Permission is hereby granted to d
provisions of state laws and of local in, remodeling, repair, and/or moving any damage incidental to any activities	Address to perform the above described work which it a part hereof. The work is subject to all rictions relating to any erection, constructional and save the City of Lodi harmless from t	are hereby referred to and made
프로그 아내 이용 왕이나 말했다. (프랑이(의) 스턴 1		뭐라는 보는 사람들이 가지 않는 그런 말했다.
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Dete 8/22/03	. Permit No. 37999	Building Cost \$ C. O. O. S.
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EOFTOMING INSPECTIONS:	LOE	DEPARTMENT	BUILDING	YHITOI

Owner Lohr, H.W.	Building Address	321 E.Pine
Final (Before Occupancy)	WALLACE A, NORUM	02\II\ 13021311133
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_ CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor DAVID ML HINCHMAN Mayor Pro Tempore EVELYN M. OLSON JAMES W. PINKERTON, Jr. FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

TELECOPIER: (209) 333-6795

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

December 11, 1989

NOTICE OF CITY COUNCIL HEARING

TO: Mr Jesse Ruiz Valenzuela 4521 Rutherford El Paso, TX 79924

> NOTICE OF CITY COUNCIL HEARING REGARDING NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE AND ORDER TO VACATE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California, described as follows:

321 East Pine Street, todi, CA 95240, also known as Assessor Parcel No. 047-240-12.

As the property owner, you were served with a Notice of Public Nuisance and Order to Abate and Order to Vacate by certified mail on November 6, 1989, which Notice listed specific items that had rendered the structures on said property a public nuisance as defined by Section 205 et seq. of the Unsafe Building Abatement Code of the City of todi.

In that Notice certain dates were also specified as to the time when the required work had to have been commenced and had to have been completed. As of this date, the work ordered in the previous Notice has been given an extended period of time in which to be completed but as yet has not been satisfactorily done, nor approved by the Chief Building Inspector.

Therefore, pursuant to Sections 401 (b, 4) of said Uniform Code for the Abatement of Dangerous Buildings, you are hereby notified that the Chief Building Inspector of the City of Lodi will bring the matter of said property and the findings listed above before the City Council of the City of Lodi at their regular meeting on Wednesday, January 3, 1990, at 7:30 p.m. at Carnegie Forum, 305 West Pine Street, Lodi, California, requesting that the City Council (1) declare the structure unsafe and a public nuisance, (2) order the vacation of the unsafe building, and (3) subsequently order the abatement by demolition of

Mr. Jesse Ruiz Valenzuela December 11, 1989 Page Two

said structures with the cost and expense being assessed to you, the property owner.

BY ORDER OF THE LODI CITY COUNCIL:

Innulik Ch Colai Dennifer M. Perrin Deputy City Clerk

for Alice M. Reimche City Clerk Approved as to form:

Bobby W. McNatt City Attorney

Dated: December 11, 1989

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor DAVID M. HINCHMAN Mayor Pro Tempore EVELYN M. OLSON JAMES W. PINKERTON, Jr. FRED M. REID

CITY OF LODI

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1/3/3/4

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB MCNATT

City Attorney

January 9, 1990

Mr Jesse R. Valenzuela 4521 Rutberford El Paso, TX 79924

Dear Mr Valenruela:

RE: Appeal to City Council Order to Abate - Unsafe Structure 321 East Pine Street, Lodi, CA

At its meeting of Wednesday, January 3, 1990 the Lodi City Council conducted a public hearing on your appeal of an order by the Chief Building Inspector to abate an unsafe structure at 321 East Pine Street, Lodi, California.

At the conclusion of that public hearing, the City Council made the following determinations:

- 1. that the concrete foundation, for which you received Building Permit No. 16989A on May 12, 1987, must be inspected by the Chief Building Inspector, and removed if he finds it does not conform to the Uniform Building Code;
- 2. that the residential structure you placed on the foundation without permits or posting necessary guarantees, can only be used for storage purposes and must be disconnected from water and sewer services;
- 3. that all cooking facilities must be removed from the structure and if connected to natural gas service it must be disconnected;
- 4. that electrical service to the structure must come from the service on the existing residence on the front of the property and not from a separate service; and
- that the above ordered work must be accomplished within one year (i.e. January 3, 1991) of the City Council's order.

Mr. Jesse R. Valenzuela January 9, 1990 Page 2

You should be aware that if the above described structure is used for other than residential storage purposes, you and/or the property owner may also be prosecuted criminally in Municipal Court as being in violation of the Uniform Building Code and the Zoning Restrictions as listed in the Lodi Municipal Code.

Sincerely

JAMES B. SCHROEDER Deputy City Clerk

cc: Maria G. Arambula

Chief Building Inspector

City Attorney City Clerk